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9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF ARIZONA

11 In Re Bard IVC Filters Products
12 Liability Litigation

No. MD-15-02641-PHX-DGC

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14 **PLAINTIFFS' AMENDED MOTION**
TO SEAL CERTAIN EXHIBITS TO
15 **PLAINTIFF'S RESPONSE IN**
16 **OPPOSITION TO MOTION FOR**
17 **SUMMARY JUDGMENT**

18 Pursuant to Case Management Order No. 42 (Doc. 16343), and in accordance with
19 Section 25 of the Stipulated Protective Order (Doc. 269), Federal Rule of Civil Procedure
20 26(c)(1)(G), and Local Civil Rule 5.6, Plaintiffs hereby move this Court for an Order
21 sealing unredacted versions of Exhibits 2 and 3 to Plaintiffs' Supplemental Statement of
22 Facts in Opposition to Bard's Motion for Summary Judgment ("SSOF"). Plaintiffs
23 previously requested that all exhibits to the SSOF, along with Plaintiffs' accompanying
24 Controverting Statement of Facts and exhibits thereto, and their unredacted brief in
25 opposition to Bard's summary judgment motion, be filed under seal. This Court directed
26 the parties to re-file motions to seal, this time addressing the standard set out in *Kamakana*
27 *v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). *Kamakana* holds
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1 that “a party seeking to seal a judicial record . . . must articulate compelling reasons
2 supported by specific factual findings . . . that outweigh the general history of access and
3 the public policies favoring disclosure.” *Id.* at 1178–79 (citation omitted).

4 Plaintiffs propose to redact only certain personal identifying information from
5 these two documents, including Mrs. Tinlin’s social security number, full date of birth,
6 and account numbers. Courts routinely shield personal identifying information such as
7 this from disclosure. *See, e.g., FreeLife Int’l, Inc. v. Am. Educ. Music Publications Inc.*,
8 No. CV07-2210-PHXDGC, 2009 WL 3241795, at *12 (D. Ariz. Oct. 1, 2009)
9 (acknowledging the “modern risks of identity theft” and granting motion to seal exhibit
10 including a social security number). *Kamakana* itself affirmed the finding of the lower
11 court that home addresses and social security numbers met the “compelling reason”
12 standard. 447 F.3d at 1182. Federal Rule of Civil Procedure 5.2 also directs the redaction
13 of birth years and full social numbers. *See* Fed. R. Civ. P. 5.2(a).

14 The parties have met and conferred and agree that these two exhibits only should
15 be filed and maintained under seal. Accordingly, Plaintiffs respectfully request that the
16 Court permit unredacted versions of these two documents to remain under seal, while
17 redacted versions can be placed on the public docket.

18 RESPECTFULLY SUBMITTED this 29th day of March, 2019.

19 BEUS GILBERT, PLLC

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21 By: /s/ Mark S. O’Connor

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of March, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Jessica Gallentine